

Application Serial No. 09/975,381

## REMARKS

1. Applicant thanks the Examiner for his remarks and observations, which  
5 have greatly assisted Applicant in responding.

2. **Final Rejection**

Under present practice, second or any subsequent actions on the merits  
shall be final, except where the examiner introduces a new ground of rejection  
10 that is neither necessitated by applicant's amendment of the claims nor based on  
information submitted in an information disclosure statement filed during the  
period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). MPEP  
§ 706.07(a)

15 Applicant respectfully traverses the Final Rejection in this case as being  
premature. Applicant has presented no amendments that necessitated a new  
ground of rejection. The new ground of rejection was necessitated by Applicant's  
filing of a Rule 131 declaration establishing that the Portman reference was not  
prior art to the application.

20 After Applicant pointed out that the finality of the present rejection was  
premature during a telephone conversation on August 9, 2006, the Examiner  
agreed and stated that he would withdraw the finality of the present rejection.

3. **35 U.S.C. § 103**

25 Claims 1, 3, and 6-25 stand rejected under 35 U.S.C. § 103(a) as being  
unpatentable over Pricescan in view of U.S. patent no. 6,594,666 ("Biswas"). To  
describe the invention with greater clarity, Applicant amends claims 1, 22 and 23  
30 to describe "distinguishing online providers from offline providers in said  
integrated list." Support for the amendment is found in Figure 2 (element 206) of  
the application and further in the specification at ¶ 0017 of U.S. published  
application no. 2003/0074627. There is no teaching or suggestion of such  
subject matter in the combination of Pricescan and Biswas. At page 12,  
Pricescan shows a listing of vendors. Certain vendors, who have linked directly

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to Pricescan, have a "Buy Now" icon added to their listing. However, there is no teaching or suggestion in Pricescan of distinguishing online providers from offline providers in said integrated list. Biswas, describing a location-aware application development framework, adds nothing to Pricescan. There is, therefore, no  
5 teaching or suggestion of distinguishing online providers from offline providers in said integrated list in the combination of Pricescan and Biswas. Accordingly, the present rejection of the independent claims is deemed overcome. In view of their dependence from allowable parents, the dependent claims are deemed allowable without any separate consideration of their merits.

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### CONCLUSION

15 In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore requests reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he is encouraged to contact applicant's attorney at 650-474-8400.

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Respectfully submitted,



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